

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE
HALL, ON WEDNESDAY, FEBRUARY 7, 2001.**

Members Present: Peter Lilienfield, Chairman
William Hoffman
Jay Jenkins, Secretary
Patrick Natarelli

Also Present: Lino J. Sciaretta, Village Counsel
Brenda Livingston, Ad Hoc Planning Board Member
Edward P. Marron, Building Inspector
Florence Costello, Planning Board Clerk
Mary Beth Dooley, Environmental Conservation Board
J&L Reporting Service, for Westwood Development Associates
Applicants and other persons mentioned in these Minutes
Members of the Public.

**IPB Matters
Considered:**

- 94-03 – Westwood Development Associates, Inc.**
Sht.10,P25J2,25K2,Sht.10C,BI.226,Lots 25A,26A
Sht.11,P-25,P25J
- 00-28 – Bridge Street Properties, LLC**
Sht. 3, P-103
- 00-30 – Eileen Fisher**
Sht. 2, P-109P6, 109P9, 109R3A
- 00-38 – George & Margaret Siber**
Sht. 7A, Bl. 235, Lot 6
- 00-40 – Astor Street Associates, Inc.**
Sht. 7, Portion of P-25000
- 01-01 – Richard & Margaret Wood**
Sht. 12B, Lot 63
- 01-02 – Eric & Francine Ross**
Sht. 13B, P-11D
- 01-04 – Alan Neiditch**
Sht. 12B, Lot 65
- 01-06 – Salvatore & Antoinette DeNardo**
Sht. 10B, Bl. 229, Lot 54
- 01-07 – William & Anne Cohen**
Sht. 12B, Lot 32
- 01-08 – Parker Reilly & Danielle Claro**
Sht. 7A, Bl. 231, Lot 12
- 01-09 – Lawrence Ecker**
Sht. 7A, Bl. 235, Lot 5

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

- With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of Notice to Affected Property Owners.

IPB Matter #00-28:

**Application of Bridge Street Properties, LLC
for Site Development Plan Approval for
property at One Bridge Street.**

John Kirkpatrick, Esq., and James DeRito appeared for the Applicant. The Application relates to the proposed development of a 3-story building for business and light industrial use located at West Main Street between the Metro North Railroad and the Hudson River. The Board conducted a site walk on January 6, 2001. Mr. Mastromonaco has no comments at this time.

Mr. Kirkpatrick reported that the Lead Agency Notice had been sent on January 19, 2001 and the 30 day period is running, after which the Board may declare itself the Lead Agency. Mr. DeRito presented a supplemental traffic study relating to the following intersections:

- Main Street and North/South Buckhout
- Main Street and North/South Astor
- Bridge Street and North Astor

A copy of the supplemental study is filed with these Minutes. The study finds that there are minimal, if any, degradations in the level of services in all projected growth scenarios.

The Chairman requested that the Applicant report on the establishment of an escrow and the extent to which the Applicant is communicating with any Hudson River environmental groups. The Board elected not to declare the Application complete.

IPB Matter #01-09:

**Application of Lawrence Ecker for Site
Development Plan Approval for property at
Barney Park.**

The Applicant appeared for himself. The Application relates to a proposed construction of a single family residence on a vacant lot in Barney Park. Drawings entitled: Ecker by Robert Reilly, Architect dated January 24, 2001, Site Plan, Ecker Residence by John Meyer Consulting dated January 24, 2001, Resource Protection Calculation Plan, Ecker Residence by John Meyer Consulting, dated January 24, 2001,

and Survey of Property prepared for Lawrence Ecker by Charles Riley, L.S. dated December 27, 2000 were submitted.

Mr. Mastromonaco noted that the Application appears to comply with maximum coverage calculations, but a further calculation should be provided. The Board also requested additional information regarding the effect on the adjacent flood plain and an explanation of apparent building restrictions in the 1884 Deed for the property and an opinion regarding whether or not adjacent property owners are beneficiaries of the restrictions.

David Steinmetz, Esq., appeared on behalf of certain property owners in Barney Park in opposition to the application. Mr. Steinmetz suggested that he is reviewing the following:

1. Flood plain calculations;
2. Covenant restrictions in the Deed;
3. Enforceability of the property swap when the Applicant sold an adjoined lot in 1995, and
4. Access to the road system.

The Applicant, Village Counsel and Mr. Steinmetz agreed to meet to review these matters, and the Board, at the Applicant's request, agreed to carry this matter over to the Board's April meeting. The Applicant also submitted two letters from the Trent Building and Russell Watson raising no objection to the Application.

IPB Matter #01-07:

**Application of William & Anne Cohen for
Waiver of Site Development Plan
Approval for property at 38 North Brook
Lane.**

Michiel Boender appeared for the Applicant. The Application relates to the proposed extension of an existing wood deck by 4 feet with a screened enclosure. Plans entitled Cohen Residence by Edgewater Group Architects, dated December 21, 2000 were submitted. Mr. Mastromonaco had no comments. There is no issue with the building envelope or the setback.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval and determined that the application is for a proposed action which is a Type II Action under SEQRA. There were no comments from the public.'

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site

Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #01-08:

**Application of Parker Reilly & Danielle Claro
for Site Development Plan Approval for
property at 79 South Buckhout Street.**

Robert Reilly appeared for the Applicant. The Application relates to a proposed construction of a two-story addition to the rear of an existing two-story building. The proposed addition represents a 38% increase in footprint. Plans entitled Reilly-Claro by Robert Reilly, Architect, dated January 24, 2001 were submitted. The Applicant reported that he obtained a variance from the Zoning Board for the construction (with certain modifications).

Mr. Mastromonaco requested topographical information and drainage plans. There were no comments from the public. The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval, and determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion and subject to satisfaction of Mr. Mastromonaco's comments, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause

extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #00-38:

**Application of George & Margaret Siber for
Site Development Plan Approval for property
at 18 Barney Park.**

Christina Griffin appeared for the Applicant. The Application had been carried over from the Board's December meeting. The Applicant submitted revised drawings that Mr. Mastromonaco confirmed satisfied his comments in his December 6, 2000 memo. The Applicant also provided information regarding erosion control. Plans entitled Renovations and Extensions to Siber Residence Revised January 23, 2001 and January 24, 2001 by Christina Griffin, Architect were submitted.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval.

IPB Matter #01-01:

Application of Richard & Margaret Wood for Waiver of Site Development Plan Approval for property at 7 Manor Pond Lane.

Craig Studer appeared for the Applicant. The Application relates to the proposed construction of a pool outside of the building envelope for the subject property. The Board conducted a site walk on January 27, 2001.

The Board noted that there is an issue regarding the Board's ability to change the building envelope after final site plan approval. The Board informed the Applicant that they should consider applying to the Zoning Board of Appeals for a variance, following which they would need to return to the Planning Board. In the interim, if the Planning Board finds evidence of intent to maintain the building envelopes as drawn, it will so advise the Zoning Board. The Environmental Conservation Board representative indicated that the ECB would consider comment. This matter was carried over to the March meeting.

IPB Matter #01-02:

Application of Eric & Francine Ross for Waiver of Site Development Plan Approval for property at 200 Harriman Road.

Craig Studer and Dale Russell appeared for the Applicant. The Application relates to the proposed construction of a pool. The Application had been carried over pending receipt of formal planting plan, which has been received. Plans submitted were entitled: Ross Residence, Specifications dated November 14, 2000 revised January 22, 2001, Sheet 1 of 3; Ross Residence, Pool Site Plan dated December 12, 2000 revised January 22, 2001, Sheet 2 of 3; and Ross Residence, Planting Plan, dated January 22, 2001 prepared by Studer Design Associates. Mr. Lilienfield recused himself from consideration of this application; Mr. Hoffman chaired consideration of this application.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from Mr. Mastromonaco or the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major

site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #01-04:

Application of Alan Neiditch for Site Development Plan Approval for property At 5 Manor Pond Lane.

This matter was carried over without discussion.

IPB Matter #01-06:

Application of Salvatore & Antoinette DeNardo for Site Development Plan Approval for property at 92 East Sunnyside Lane.

Paul Petretti appeared for the Applicant. The Application relates to the proposed demolition of a dwelling on, and the construction of a new dwelling on, property at 92 East Sunnyside Lane. The Application had been carried over from the Board's January meeting. The Applicant presented a letter from Donald Casadone, Assistant Superintendent of Public Works dated January 22, 2001 regarding sewers. Drawings submitted were: Site & Utility Plan, Lot 29 Lander Hudson View Park revised January 24, 2001 by Paul J. Petretti, P.E., Grading, Drainage, Steep Slope & Tree Preservation Plan, Lot 29 Lander Hudson View Park revised January January 24, 2001 by Paul J. Petretti, P.E., Erosion Control Notes, Sections and Details, Village of Irvington Projects, dated January 24, 2001 by Paul J. Petretti, P.E., and Survey of Lot 29 Subdivision Map of Lander Hudson View Park dated April 20, 2000 by Paul J. Petretti, P.E.

The Applicant agreed to note that the location of a second residence on the site was for study purposes only, and that the current application was for approvals of solely one residence.

Mr. Mastromonaco suggested the following:

- Applicant should grant easements to the Village for public water and sewer.
- The grading in the drawings needs to be confirmed.
- Building elevations are missing from the drawings
- Applicant needs to provide analysis of the 100-year flood boundary.

The Applicant agreed to work with Mr. Mastromonaco to resolve these matters. The application was carried over.

IPB Matter #00-30:

**Informal Discussion regarding Application of
Eileen Fisher for Site Development Plan
Approval for property at 44 Matthiessen Park.**

Earl Ferguson appeared for the Applicant. This is an informal session to discuss resubmission of a previously filed application for demolition of an existing residence and construction of a new residence.

The Applicant explained that the revised plans include revisions to the volume, area, and height parameters of the proposed construction, reducing the area by 1,500 square feet and the lot coverage to 6,434 square feet. The Building Inspector noted some concerns about the method of calculation of the coverage area.

The Board suggested that the Applicant provide a comparative analysis (with plan overlays) of the old and new plans. No action was taken on this matter.

IPB Matter #00-40:

**Application of Astor Street Associates, LLC, for
Approval of development of property at MTA
Sub-Station, Astor Street.**

John Saraceno appeared for the Applicant. The Application relates to the proposed development of the MTA Power Station on Astor Street into 17 one-bedroom residential units. Drawings submitted were: Proposed Dwelling Units for Trinity Development by Studio RAI, dated January 17, 2001, 3 of 3 sheets, and Subdivision Map prepared for Trinity Development Associates, LLC, dated December 20, 2000 by Eliot Senor, L.S.,

The Board discussed the amendment to the Industrial District regulations in the Zoning Ordinance that was applied to the recent development of the Burnham Building, and in particular whether such ordinance requires a “mixed use” of the property as to which application of the ordinance is sought. Further, Mr. Mastromonaco submitted extensive comments by memorandum dated January 30, 2001. The applicant indicated it was considering applying to the Zoning Board of Appeals for an interpretation of the Zoning Ordinance regarding this requirement for mixed use.

The Board requested that the Applicant (i) meet with Mr. Mastromonaco to review his comments and (ii) submit to the Board a list of variances that the Applicant will need to seek from the Zoning Board.

The matter was carried over to the next meeting of the Board.

Discussion of Tim Miller Associates Demapping Study.

Steve Lopez of Tim Miller Associates appeared to present the Study prepared by his firm with respect to the possible demapping of a portion of Riverview Road. Such study is filed as part of the Minutes.

The Planning Board has analyzed the potential impacts of demapping an undeveloped portion of Riverview Road, and has considered other alternatives to any such demapping, in each case related to the concern that the Village seek to avoid having Riverview Road become a through street between Mountain Road and Broadway. We have discussed the proposal at several public meetings, responded to questions from members of the public and reviewed the Report dated October 23, 2000 of Tim Miller Associates, Inc. (copy attached as Exhibit 1).

Based upon the foregoing, including comments from the public, the Planning Board is considering the following recommendations and conclusions:

1. The Village should take appropriate steps to prevent Riverview Road from becoming a through street for vehicular traffic, as described above.
2. Any such steps should preserve pedestrian access and emergency access.
3. Unless more limited actions than a demapping (such as those described in time 4 below) are likely to accomplish the desired goals, the Village should demap some or all of the portion of Riverview Road identified on Exhibit 2. We note that demapping such portion preserves access by all affected property owners to the paper street.

Finally, the Board may advise the Board of Trustees that it should be aware of the affect of any demapping on the proposed Westwood Development. We understand that Westwood is prepared to consent to a limitation on any future access to Riverview Road but only if the Westwood Development, which has frontage on the paper street portion of Riverview Road, is approved with access to Mountain Road from Tracts B and C of the Westwood Development.

IPB Matter #94-03:

Application of Westwood Development Associates, Inc., for Limited Site Development Plan Approval for property at Broadway, Riverview Road and Mountain Road.

Charles Pateman and Padraic Steinschneider appeared for the Applicant. The proceeding was a continuation of the public hearing on the Westwood Development project. A full stenographic record was made of the proceedings.

The Board acknowledged receipt of revised drawings. The Board scheduled a work session on the Application for February 27, 2001 at 8:00 p.m.

The Board then considered the following administrative matters:

- The next regular meeting of the Planning Board was scheduled for March 7, 2001.
- The Minutes of January 3, 2001 were approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jay Jenkins, Secretary